

REMARKS

Claims 1, 3 through 15, 17 through 27, and 33 through 35 are pending in this Application. Claims 32 has been cancelled without prejudice or disclaimer, claims 1, 6, 10 through 14, 15, 20, and 24 through 26 have been amended, and a new claim 35 has been added. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the Abstract, FIGs. 1 and 2, ¶¶ [0004], [0009] through [0011], [0019], and [0020] of the corresponding US Pub. No. 2005/0203727. Applicants submit that the present Amendment does not generate any new matter issue.

Personal Interview of October 27, 2009.

Applicants express appreciation for the Examiner's courtesy in granting and conducting a personal interview on October 27, 2009. During the interview, no formal agreement was reached.

Claims 6 and 20 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

In the statement of the rejection, the Examiner stated that the recitation of "parts of said translation data in said primary language that are irrelevant to the present or anticipated context are deleted, substantially while the selected subset of phrases in said primary language is added" is not specifically disclosed in the original specification. This rejection is traversed.

Initially, the claim language finds literal antecedent support in the written description of the specification, thereby undercutting the imposed rejection. For example "a context-sensitive

dictionary is driven by voice, characters, images, and/or sensory information to select a suitable subset of phrases in a specific language, and this subset is loaded in the handset. An expected environment (e.g. a museum trip today, a beach trip tomorrow) can also be loaded. Irrelevant phrases (e.g. related to yesterday's safari) can be **removed** (§ [0009]).” As another example, “Merely changing a context (e.g. going from a bowling alley to an art museum) may not require **additional** translating capability if the user already has sufficient translation data available. However, if not enough translation data is available, then the step 220 is necessary, and that step is followed by receiving 230 the data **update** signal containing the needed translation data (§ [0020]).”

At any rate, to expedite prosecution, the recitation in claims 6 and 20 has been replaced by “parts of said translation data in said primary language that are irrelevant to the present or anticipated context are deleted, and ~~substantially while~~ the selected subset of phrases in said primary language is added”, thereby overcoming the stated basis for the rejection. Applicants therefore solicit withdrawal of the rejection of claims 6 and 20 under the first paragraph of 35 U.S.C. §112.

Claims 1, 4, 8 through 15, 18, 22 through 27, and 32 though 34 were rejected for obviousness under 35 U.S.C. §103(a) based on *Cox et al.* (US 7,272,377, “*Cox*”) in view of *Franz et al.* (US 6,266,642, “*Franz*”)

In stating the rejection, the Examiner asserted that one having ordinary skill in the art would have been led to modify *Cox*’s language translation system for wireless devices by including the geographical information, the target language list and a database/vocabulary

updating mechanism of *Franz*, to improve speech translation and retrieve additional words/phrases for a portable unit. Applicants respectfully traverse this rejection.

Independent claims 1, 14, and 15 recite, *inter alia*: “wherein said updates include adding to the database a selected subset of phrases that are suitable for said setting within said country, and **removing from the database another selected subset of phrases that are irrelevant to said setting, and said setting includes a temperature.**” For example, as explained in the Specification, the correct dictionary context can be voice-selected or controlled to load phrases such as “please turn down the thermostat”, if a high temperature is detected (§ [0010]). Also, there would be no use in loading the phrases related to skating, if it is 90°C (§ [0011]).

Applicants respectfully submit that none of the applied references, taken singly or in any combination, disclose or suggest the above-described operations of an apparatus (e.g., a wireless terminal). Specifically, *Cox* provides a “language and location” database (col. 5, line 4), and *Cox* uses a GPS sensor, but not a temperature sensor. It is therefore apparent that *Cox* does not “remove from the database another selected subset of phrases that are irrelevant to said setting, and said setting includes a temperature” as recited in the independent claims.

The secondary reference to *Franz* does not cure the previously argued deficiencies of *Cox*. *Franz* is said to disclose geographical information, the target language list and a database/vocabulary updating mechanism. However, *Franz* does not describe any temperature therein.

Claims 10 through 12, the patentability of which is separately advocated, recite that said updates include the latest colloquial phrases that are suitable for said setting (§ [0009]), the database is a translation dictionary (§ [0011]), and said setting further includes a date or a time of day (§ [0011]), and said subset of phrases is selected from a group comprising phrases for

bowling, ice hockey, and cross country skiing (§§ [0009], [0020]). *Cox* and *Franz* are conspicuously mute with respect to these features.

It is therefore apparent that even if the applied references are combined as proposed by the Examiner, and Applicants do not agree that the requisite realistic motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicants, therefore, submit that the imposed rejection of claims 1, 4, 8 through 15, 18, 22 through 27, and 32 through 34 under 35 U.S.C. § 103 for obviousness based on *Cox* in view of *Franz* is not factually or legally viable and, hence, solicit withdrawal thereof.

Claims 3, 5, 7, 17, 19, and 21 were rejected for obviousness under 35 U.S.C. §103(a) based on *Cox* in view of *Franz* and *Zhou et al.* (US 2004/0167770, “*Zhou*”).

This rejection is traversed.

Specifically, claims 3, 4, and 7 depend from independent claim 1, and claims 17, 19, and 21 depend from independent claim 15. Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claims 1 and 15 under 35 U.S.C. § 103 for obviousness based on the combined disclosures of *Cox* and *Franz*. The tertiary reference to *Zhou* does not cure the previously argued deficiencies in the attempted combination of *Cox* and *Franz*. Accordingly, even if the applied references are combined as proposed by the Examiner, and again Applicant does not agree that the requisite basis to support the asserted motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, *supra*. Applicants, therefore, submit that the imposed rejection of claims 3, 5, 7, 17, 19, and 21

under 35 U.S.C. § 103 for obviousness predicated upon *Cox* in view of *Franz* and *Zhou* is not factually or legally viable and, hence, solicits withdrawal thereof.

Claims 6 and 20 were rejected for obviousness under 35 U.S.C. §103(a) based on *Cox* in view of *Franz* and *Kraemer et al.* (US 2003/065504, “*Kraemer*”).

This rejection is traversed.

Specifically, claim 6 depends from independent claim 1, and claim 20 depends from independent claim 15. Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of claims 1 and 15 under 35 U.S.C. § 103 for obviousness based on the combined disclosures of *Cox* and *Franz*. The tertiary reference to *Kraemer* does not cure the previously argued deficiencies in the attempted combination of *Cox* and *Franz*. Accordingly, even if the applied references are combined as proposed by the Examiner, and again Applicant does not agree that the requisite basis to support the asserted motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, *supra*. Applicants, therefore, submit that the imposed rejection of claims 6 and 20 under 35 U.S.C. § 103 for obviousness predicated upon *Cox* in view of *Franz* and *Kraemer* is not factually or legally viable and, hence, solicits withdrawal thereof.

Based upon the foregoing, it is apparent that the imposed rejections have been overcome, and that all pending claims are in condition for allowance. Favorable consideration is therefore solicited. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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